

Message Text

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ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
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-----101581 042044Z /13
O 041950Z AUG 78
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 1282

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E.O. 11652: N/A
TAGS: EAIR, PE
SUBJECT: PERUVIAN CIVAIR AUTHORITIES TEMPORIZE ON BRANIFF
ROUTE REQUEST

REF: STEIN/ATWOOD TELCON AUG 4

1. SUMMARY AND ACTION REQUESTED: GOP CIVIL AVIATION AUTHORITIES
HAVE
REFUSED TO APPROVE BRANIFF'S REQUEST TO BEGIN OPERATING
DALLAS/FORT WORTH-LIMA FLIGHT. AMBASSADOR SHLAUDEMAN SCHEDULED
TO MEET WITH FOREIGN MINISTER DE LA PUENTE ON CIVAIR 5:30 AUG 7.
EMBASSY WOULD APPRECIATE DEPARTMENT'S INSTRUCTIONS REGARDING
NEXT STEP. END SUMMARY.

2. MID-DAY AUG 4 LOCAL BRANIFF LAWYER RAUL DE SOLAR VISITED
ACTING CHIEF ECON SECTION TO DELIVER COPY OF MEMORANDUM SENT BY
DIRECTOR-GENERAL OF CIVIL AVIATION (DGTA) COL. SANCHEZ TO DEL
SOLAR RESPONDING TO BRANIFF'S JULY 21 REQUEST FOR SCHEDULE
MODIFICATION (TO PERMIT TWO BRANIFF FLIGHTS BETWEEN
DALLAS/FORT WORTH AND LIMA.) AMBIGUOUSLY WORDED MEMORANDUM
DOES NOT EXPLICITLY DENY NEW FREQUENCIES, BUT REFERRING TO
SEVERAL PROVISIONS OF PERUVIAN LAW AND 1946 BILATERAL AGREEMENT
(WITH AMENDMENTS), INDICATES THAT BRANIFF AQBHN D REQUEST
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THAT ITS OPERATING PERMIT BE MODIFIED TO AUTHORIZE THESE
ADDITIONAL FREQUENCIES AND POINTS. INFORMAL TRANSLATION
OF SUBSTANTIVE PARAGRAPHS FOLLOWS IN PARA 6 BELOW.

3. DEL SOLAR SAID THAT FOLLOWING RECEIPT OF THE MEMORANDUM
PM AUG 3 HE SPOKE WITH DGTA SANCHEZ TO SEEK CLARIFICATION.
ACCORDING TO DEL SOLAR, SANCHEZ TOLD HIM THAT

DGTA WOULD BE WILLING TO RECONSIDER BRANIFF REQUEST, BUT THAT REQUEST MUST BE SUBMITTED AS REQUEST TO MODIFY BRANIFF'S CURRENT OPERATING PERMIT (WHICH IN FACT DGTA HAS NOT RENEWED SINCE IT EXPIRED IN APRIL) AND MUST BE SUPPORTED WITH DOCUMENTATION TO SHOW THERE IS SUFFICIENT TRAFFIC TO JUSTIFY ADDITIONAL FREQUENCIES. DEL SOLAR SAID THAT SANCHEZ DID NOT INDICATE WHETHER GOP WOULD APPROVE OR DISAPPROVE SUCH A REQUEST.

4. DEL SOLAR STATED THAT BRANIFF HAD NOT SUBMITTED REQUEST FOR MODIFICATION OF ITS OPERATING PERMIT SINCE COMPANY UNDERSTOOD THAT WOULD ACKNOWLEDGE GOP INTERPRETATION THAT 1946 AGREEMENT AS AMENDED PROVIDES FOR A PRIORI CONTROLS. HE ADDED THAT COMPANY WOULD LIKE TO KNOW USG REACTION TO GOP MEMORANDUM BEFORE IT PLANS FURTHER STEPS.

5. FOREIGN MINISTRY HAS SCHEDULED AMBASSADOR SHLAUDEMANN'S APPOINTMENT TO DISCUSS CIVAIR ISSUE WITH FOREIGN MINISTER DE LA PUENTE FOR 5:30 PM AUG 7. EMBASSY WOULD APPRECIATE RECEIVING DEPARTMENT'S INSTRUCTIONS FOR USE AT THIS MEETING.

6. INFORMAL TRANSLATION OF DGTA MEMO FOLLOWS:

A. I AM PLEASED TO ADDRESS YOU IN REPLY TO YOUR SUBJECT LETTER, THROUGH WHICH YOU REQUEST AUTHORIZATION TO MODIFY YOUR ITINERARIES STARTING AUGUST 15, 1978.
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B. ON THE MATTER, I STATE THAT IN ACCORDANCE WITH LAW 15720 AND ITS REGULATIONS, ESPECIALLY WITH ARTICLE 224 AND CONEX (SUPREME DECREE 024-74 TC) AND THE AIR AGREEMENT OF 1946 AND AMENDMENT OF 1966, IT MUST BE REQUESTED, SHOULD IT BE JUSTIFIED, THAT THE OPERATING PERMIT AUTHORIZE SUCH ADDITIONAL FREQUENCIES AND NEW STOPS.

DECON 8/4/79.
SHLAUDEMANN

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NNN

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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 20 Mar 2014
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Disposition History: n/a
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